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290832Z Jul 05

UNCLAS SECTION 01 OF 02 MADRID 002792

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SUBJECT: DHS U/S BEARDSWORTH MEETS WITH SPANISH OFFICIALS
ABOUT PASSENGER NAME RECORDS

REF: BRUSSELS 2775

1. (SBU) Summary. DHS Acting Under Secretary for Border and Transportation Security visited Madrid July 19 to brief Spanish Ministry of Interior and MFA officials on DHS discussions with EU interlocutors regarding the value of Passenger Name Record (PNR) data as a tool for enhancing border security. U/S Beardsworth requested Spain's support in EU councils in the runup to the September U.S.-EU joint PNR review. While Deputy Interior Minister Antonio Camacho expressed concern regarding privacy rights and questioned the relevance of PNR data to preventing terrorist attacks, both Camacho and MFA Director General for International Terrorism Issues and Disarmament Angel Losada indicated their support for USG efforts to increase U.S.-EU security cooperation through the sharing of PNR data. PNR will be a topic for discussion during the first meeting of the DHS-Spanish Ministry of Interior Working Group in late September in Washington. End Summary.

2. (SBU) At both the Ministry of Interior and the MFA, U/S Beardsworth stressed the potential of PNR data to help U.S. and European authorities strengthen border security and deny terrorists freedom of movement. He explained how PNR data detects relationships between passengers and acts as an important forensic tool in the wake of terrorist attacks. U/S Beardsworth showed how DHS used PNR to identify travel agencies that use false documents to facilitate travel by malafide passengers and how PNR had contributed to the Lodi, California terrorism investigation. He also briefed GOS officials on his meetings in Brussels (reftel) and Berlin and on the upcoming U.S.-EU joint PNR review in September. U/S Beardsworth reviewed the USG's experience with the Advance Passenger Information System (APIS) and the subset U.S. No Fly list, noting that DHS had avoided flight diversions in all but a very few cases. He said the international community should work towards limiting the ability of terrorists to move freely across borders, just as we had cooperated to restrict their access to the international financial system.

//INTERIOR MINISTRY VOICES PRIVACY CONCERNS//

3. (SBU) Deputy Interior Minister Camacho expressed appreciation for the briefing and said he was familiar with PNR as a result of numerous discussions on the subject with EU counterparts. Camacho said that one issue that seemed to undermine the value of PNR was that many of the perpetrators of recent attacks (September 11, the March 11, 2004 Madrid train bombings, and the July 7 attacks in London) were unknown and their names would not have emerged from any database. Camacho argued that while some argued that democracies would have to "modify" themselves to counter new security threats, Spain believed it was important that existing privacy provisions remain intact. He said that one of the terrorists' objectives was to force democratic societies to clamp down on their citizens and that Spain rejected any such approach. In the case of the London attacks, said Camacho, the bombers came from within the UK's borders, diminishing the value of preventive programs such as PNR.

4. (SBU) U/S Beardsworth said that privacy protection was just as important an issue in the U.S. as it was in the EU and that controls on the use of PNR data were intended to address sensibilities on both sides of the Atlantic. He reviewed the tight procedures surrounding use of PNR data to meet privacy concerns and the fact that PNR data regarding ordinary citizens did not flow to the intelligence community. These safeguards include filters and audit functions to ensure that data is protected and not accessible by individuals who would not have a direct need for the information. Also, PNR does not allow the user to look beyond the surface of the information provided for a particular traveler; more detailed reviews required the same court authority as would apply to any law enforcement investigation.

15. (SBU) Regarding the relevance of PNR as a tool for detecting impending attacks, U/S Beardsworth explained that PNR data may have proved very useful in helping detect patterns and associations that could have drawn the attention of law enforcement officials to the attackers in the cases cited by Camacho. In the London attacks, for example, several of the suicide bombers had traveled to Pakistan and PNR data related to their visits may have been helpful to police. U/S Beardsworth said that under UK laws, authorities could only look at case-specific data related to a single individual; PNR would allow them to obtain a much broader range of indicators and associations. U/S Beardsworth discussed how the PNR system was reconfigured on July 7 following the London bombings to help search for individuals who may have had some relation to the attacks.

16. (SBU) Camacho said that the GOS agreed with the USG in "nearly all respects" regarding the struggle against terrorism and specifically on the use of PNR data. He asked U/S Beardsworth whether DHS had a specific request for Spain on PNR. U/S Beardsworth said that he had included Spain, Germany, and France on his agenda because of their high level of counter-terrorism cooperation with the USG. The USG hoped that Spain would be an advocate in EU councils for closer U.S.-EU collaboration on PNR. Camacho said that Spain would be helpful and suggested that PNR be a topic for further discussion during the September meeting of the DHS-Ministry of Interior Working Group in Washington.

17. (SBU) Deputy Interior Minister Camacho was accompanied by chief of staff Victoria Sanchez Sanchez, Director General for Infrastructure and Secure Materials (Schengen) Julio Martinez Merono, Senior Diplomatic Adviser Ambassador Arturo Avello, Senior Terrorism Adviser Juan Hidalgo, International Affairs Adviser Jose Ignacio Lopez Chicheri, and PNR adviser Luis Aparicio.

//MFA UNDERSTANDS THE ISSUE//

18. (SBU) U/S Beardsworth met separately with newly-named MFA Director General for International Terrorism Issues and Disarmament Angel Losada, who was accompanied by Deputy Director General for European Justice and Interior Issues Felix Fernandez-Shaw and Losada's adviser on international counterterrorism cooperation Carmen Bujan Freire. Losada indicated a general understanding of PNR, but requested specific details as to its value as a deterrent for international travel by terrorist suspects. U/S Beardsworth cited the KLM/Mexico case where, regardless of the purported intentions of the travelers, the USG made clear that it was monitoring movements by suspected extremists and was prepared to deny them access to U.S. airspace.

19. (SBU) On U.S.-EU PNR cooperation, U/S Beardsworth discussed his meetings in Brussels with members of the European Parliament Civil Liberties (LIBE) Committee (reftel) and his assessment that he had made progress in explaining privacy protection guidelines associated with PNR. Fernandez-Shaw said he was well aware of the LIBE Committee's concerns and assured U/S Beardsworth that the GOS understands that PNR does not violate any data protection guidelines. He lamented that U.S.-EU discussions on PNR were being mixed up with an internal EU debate regarding personal data and privacy protections. Fernandez-Shaw agreed with the need to clarify the details of PNR in order to respond to the LIBE Committee. Freire emphasized this point as well, saying that governments had to explain to NGOs and to their publics that they had established firm parameters regarding the use of personal data. She suggested that the London bombings may help crystallize public opinion in favor of increased security measures.

110. (U) U/S Beardsworth was accompanied by Policy Advisor Dennis Sequeira of the DHS Office International Affairs, Policy Advisor Erik Shoberg of the DHS Office of Customs and Border Protection, TSA Liaison Jill Drury of USEU, and Staff Assistant David von Damm.
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